



TORT CASE STUDY ANSWER SHEETS

Offset Breakdown Worksheet Answer Sheet

Total Settlement	Itemized - (Expense deductions) Cost of expenses (minus paralegal fees, co-counsel fees, in house copying)	Itemized fees <u>NOT</u> included: (counsel fees, normal office expenses, paralegal services, and in-house copying)	Attorney fee's (Fee Deductions)
1,000.00	45.00	29.20	400.00
1,000.00	100.00	52.76	400.00
1,900.00	49.91		760.00
	119.04		
	18.00		
	8.68		
Totals	3,900.00	340.63	81.96
	75% of the Total	2925.00	(Sum of total X .75)
	50% of the Total		(Sum of total X .50)

Benefits Offset Worksheet Answer Sheet

EEOICPA Part B/E Benefits Offset Worksheet (For internal DEEOIC use only)

Employee:	James Buchanan
Claimant:	James Buchanan
Claim Number:	123456789

1. Gross Settlement/Final Judgment Amount.....

3,900.00

a. Amount of Line 1 that is for damages to real/personal property (if any)

0

b. Amount of Line 1 that is for medical treatment before filing date (if any)

0

c. Subtract Lines 1a and 1b from amount on Line 1 and enter balance here

3,900.00

2. Were the amounts entered at Step 1 only paid to or on behalf of one party (see Instructions, Step 2)?

Y / N

a. If no, go to either Step 3 or Step 4

b. If yes, go to step 5

3. Allocation Between Parties Provided by Judge or Jury:

a. Amount of Line 1c awarded to employee for injuries due to covered exposure to toxic substance

b. Amount of Line 1c awarded to other party(s). Go to Step 5.

4. CE Allocation Between Parties (all other cases):

a. Standard allocation for living employee is 75% of Line 1c. Enter result here and go to Step 4c.....

2,925.00

b. Standard allocation for deceased employee is 50% of Line 1c. Enter result here and go to Step 4c.....

c. Good cause shown for different allocation?..(Y/N)

N

d. If yes, allocation for living/deceased employee is % of Line 1c. Enter dollar amount here.

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5. Allowable Deductions from Payment:

a. Costs of Suit (see Instruction Step 5).....

340.63

Divide costs by gross payment to determine costs percentage (Line 5a/Line 1).

0.088 or 8.89%

b. Multiply Line 1c, 3a, 4a, 4b or 4d (one only) by the costs percentage. Enter here.....

257.40

c. Attorney Fees.....

1560.00

Divide attorney fees by gross payment to determine attorney fees percentage (Line 5c/Line 1).....

0.40 or 40%

d. Multiply Line 1c, 3a, 4a, 4b or 4d (one only) by the LESSER of attorney fees percentage or 40%. Enter here.....

1170.00

e. Enter amount of Line 1 that was paid to satisfy workers' compensation lien of a state authority or insurer (if any).....

0

6. Net Amount of Payment to be used for Offset:

a. Subtract Line 5b from Line 1c, 3a, 4a, 4b or 4d, as appropriate. Enter balance here.....

2667.60

b. Subtract Line 5d from Line 6a. Enter result here.....

1497.60

c. Subtract amount on Line 5e (if any) from Line 6b to arrive at amount of offset and enter result here..

1497.60

7. Offset of Part B/E Benefits, Surplus Payment:

a. Amount of unpaid lump-sum payment.....

0

b. If Line 7a is larger than Line 6c, subtract Line 6c from Line 7a and enter balance due claimant here.....

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c. If Line 7a is smaller than Line 6c, subtract Line 7a from Line 6c and enter amount of surplus to be recovered from future lump-sum payments and/or medical benefits here.....

1497.60

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Memo to the File Answer Sheet

What items should be included in the Memo to the File? List them below.

- Used 75% allocation because spouse is on the suit
- Did not use split between employee and spouse listed on settlement sheet because no legal documentation was submitted to show it should be different
- Included in-house fax because it can be considered “long distance telephone call”
- In-house copying and shared litigation (co-counsel fees) costs not authorized as defined in Bulletin 07-12 instructions